

# The Barter or Sale of Handicrafts

## Made from the byproducts of fish and wildlife

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) recognizes that customary and traditional uses by rural Alaska residents includes the making, bartering, and selling of handicrafts created from nonedible byproducts of fish and wildlife resources taken for personal or family consumption.

Bartering is allowed for all fish and wildlife taken under Federal subsistence regulations, including handicrafts. However, the sale is limited to those handicrafts specifically allowed by the Federal Subsistence Board. The Federal regulations regarding the sale of handicrafts have been developed in cooperation with Subsistence Regional Advisory Councils to be consistent with expressed Council views that rural residents traditionally utilized these nonedible byproducts in handicrafts and for regalia.

### **Q** What is a handicraft?

**A** A handicraft is a finished product made by a rural Alaska resident from nonedible byproducts of fish or wildlife, which is composed wholly or in some significant respect of natural materials. The shape and appearance of the natural material must be substantially changed by the skillful use of hands by sewing, weaving, drilling, lacing, beading, carving, etching, scrimshawing, painting, or other means, and incorporated into a work of art, regalia, clothing, or other creative expression, and can be either traditional or contemporary in design. The handicraft must have a substantially greater monetary and aesthetic value than the unaltered natural material alone.



*Ulu with caribou antler handle and stand. USFWS photo.*

### **Q** What is meant by “substantially changed”?

**A** Under Federal subsistence regulations, the shape and appearance of the material must be changed. This can be accomplished by incorporating the material within the handicraft item, such as sewing, lacing, drilling or otherwise attaching the fur, bones or other parts to a garment or hat, or pendants or similar jewelry items, and/or by carving, etching, scrimshawing or painting a design on the parts or materials.

### **Q** What handicrafts can be sold?

**A** ♦ Handicrafts made from the nonedible byproducts (including, but not limited to, the skin, shell, fins, and

### **Barter or Sale?**

Barter is the exchange of goods or services without using money. Sale is the exchange of goods or services for money.

bones) of fish or shellfish harvested under Federal subsistence regulations.

♦ Handicrafts made from black bear skin, hide, pelt, or fur (including claws) taken statewide under Federal regulations.

♦ Handicrafts made from brown bear skin, hide, pelt, or fur (including claws) taken from Units 1, 4, 5, 9A, 9B, 9C, 9E, 12, 17, 20, and 25 under Federal regulations.



The Federal Subsistence Management Program is a multi-agency effort that emphasizes cooperation and consensus building with rural Alaskans. The U.S. Fish and Wildlife Service, National Park Service, Bureau of Indian Affairs, and the USDA Forest Service manage the Federal public lands where subsistence activities take place.



*Carved deer antler sculpture. USFWS photo.*

- ♦ Handicrafts made from black bear bones, teeth, sinew or skulls taken from Units 1, 2, 3, or 5 under Federal regulations may be sold only in Units 1–5.
- ♦ Handicrafts made from brown bear bones, teeth, sinew or skulls taken from Units 1, 4 or 5 under Federal regulations may be sold only in Units 1–5.
- ♦ Handicrafts made from nonedible byproducts of wildlife (other than bears) harvested under Federal regulations including skin, hide, pelt, fur, claws, bones (except skulls of moose, caribou, elk, deer, sheep, goat and muskox), teeth, sinew, hooves, and antlers and/or horns (if not attached to any part of the skull or made to represent a big game trophy).

### **Q What handicrafts can not be sold?**

- A** ♦ Handicrafts made from byproducts of black bear other than the skin, hide, pelt, fur or claws, (except that in Southeast Alaska bones, teeth, sinew or skulls may be made into handicrafts and sold only in Southeast Alaska).
- ♦ Handicrafts made from any brown bear taken in Units 6–8, 9D, 10, 11, 13–16, 18, 19, 21–24, and 26.

Under Federal subsistence regulations, the external covering of a bear (skin, hide, pelt, or fur) includes the claws that are attached. Therefore, handicrafts made from bear skin, hide, pelt, or fur and sold under the Federal subsistence regulations may include the claws. The State does not allow the sale of handicrafts made with bear claws.

- ♦ Handicrafts made from the skulls of moose, caribou, elk, deer, sheep, goat, muskox and bear (except skulls of bear harvested in Southeast Alaska may be made into handicrafts and sold only in Southeast Alaska).
- ♦ Handicrafts made from horns or antlers made to represent a trophy, such as a European mount or full head mount of a “big game” species.
- ♦ Taxidermy mounts of fish or wildlife and skin/hide rugs.

### **Q What kinds of products made from bear skin, hide, pelt, fur, or other eligible parts qualify as handicrafts that can be sold?**

- A** Under Federal subsistence regulations, parts of the skin/hide/pelt/fur (and/or claws) or other eligible parts substantially changed into any handicraft may be sold. Bear claw necklaces or similar products which don't incorporate any other part of the fur meet the definition of handicraft if each individual claw, tooth, bone piece, etc. is artfully attached to something or incorporated into a design through the use of an artistic technique, such as sewing, mounting, drilling, carving, scrimshawing, etching or painting, and results in a substantially greater monetary and aesthetic value. Bearskin rugs and mounts cannot be sold, as they do not meet the definition of handicraft in which the shape and appearance of the natural material has been substantially changed.



*Bear claw necklace. USFWS photo.*

**Q** Can I drill a hole through a bear claw, add a string to make it into a necklace, and call that a handicraft?

**A** No. The definition of handicraft requires that the natural material be substantially changed, which results in a greater monetary and aesthetic value. A bear claw on a string does not substantially alter the value and appearance of the natural material.

**Q** Can these handicrafts be resold? By whom?

**A** Yes. However, only Federally qualified rural residents are allowed to sell or resell handicrafts made from fish or wildlife harvested for subsistence under Federal regulations on Federal public lands and waters. State regulations, which apply to all Alaska residents, allow for the sale of handicrafts made from most wildlife except bears. However, the State does allow the sale of handicrafts made from bear fur, but not bear claws. For more information about State regulations, contact the Alaska Department of Fish and Game.

**Q** Do I need a Federal permit to take handicrafts out of Alaska?

**A** Lawfully created handicrafts made from authorized parts of black or brown bear, lynx, bobcat, or river otter must be accompanied by a valid Convention on International Trade in Endangered Species (CITES) permit issued by the U.S. Fish and Wildlife Service if exported from Alaska to another country. CITES permits are required for species which are at risk of becoming threatened or endangered. However, no permit is required for those traveling through Canada to the Lower 48 states, if the handicraft is transported in personal accompanying baggage.



*Female mask with  
caribou hide face.  
USFWS photo.*

**Q** Can I send a hide outside of Alaska to be tanned and returned for use in handicrafts?

**A** Yes. It is not the Federal Subsistence Board's intention to prohibit qualified individuals from sending hides out of Alaska to be tanned. However, keep in mind that it is required that the individual comply with all State and CITES requirements.

**Q** Can I send bear hides or other eligible parts outside of Alaska to be used in the manufacture of handicrafts for sale?

**A** No. The regulations passed by the Board are intended to allow the customary practice of selling locally made handicraft items consistent with the intent of Title VIII of ANILCA. The regulations require that the items be made by rural Alaskans. Items manufactured outside of Alaska, therefore, would not be consistent with the Board's intent. However, rural Alaskans may create their handicrafts when temporarily traveling outside the state, but are cautioned to become aware of any local laws (state or international) regarding the possession of fish or wildlife parts.

**Q** If I am not a Federally qualified rural resident of Alaska, can I purchase fish or wildlife handicrafts, including bear claw handicrafts, from a Federally qualified rural resident?

**A** While there are no Federal subsistence regulation limits on who may purchase handicrafts from Federally qualified rural residents, State officials have reported that they may prosecute nonrural residents buying handicrafts made with subsistence-harvested bear claws and other bear parts not authorized under State regulations. Federal and State regulations regarding the sale of fish and wildlife handicrafts are very similar, except for regulations that apply to bear handicrafts.

**For more information** on CITES permits and requirements visit the U.S. Fish and Wildlife Service web site at <http://alaska.fws.gov/law/permits.htm>, or contact the U.S. Fish and Wildlife Service law enforcement at (907) 271-6198 or e-mail: [ak\\_le@fws.gov](mailto:ak_le@fws.gov).



**Q** Is it legal for the sale of handicrafts made from subsistence-harvested fish or wildlife to occur outside of Federal jurisdiction?

**A** It is the opinion of the Board that Federal regulations governing the sale of handicrafts made from subsistence-harvested fish or wildlife extend to any legally taken subsistence fish or wildlife regardless of where the actual cash transaction takes place. However, be aware that State officials may disagree with this interpretation and could decide to prosecute persons selling subsistence harvested bear claws or other parts on State or private lands.

**Q** As a business or shop owner in a nonrural area, can I sell bear handicrafts to tourists?

**A** No. However, Federal subsistence regulations do not prohibit consignment sales of any handicrafts made by eligible rural residents in nonrural shops. In addition handicrafts made with bear fur (not bear claws or other parts) may be sold as authorized under State regulations.

**Q** Can any byproducts from fish or wildlife be used under these regulations?

**A** No. These regulations apply only to fish or wildlife harvested under Federal subsistence regulations on Federal public lands. The State of Alaska has similar, but more limited regulations that allow the sale of handicrafts made from black bear and brown bear fur, not including the claws or other parts. Therefore, as these regulations relate to bear, only claws from black bear harvested under Federal subsistence regulations can be sold as handicrafts; only claws from brown bear harvested under Federal subsistence regulations within the Southeast, Eastern Interior, and Bristol Bay regions can be sold as handicrafts; and only bones, teeth, sinew, or skulls from bear harvested under Federal subsistence regulations within the Southeast region can be sold as handicrafts under these regulations.



*Eskimo doll with carved bone face. USFWS photo.*

**Q** Can I sell capes of sheep, moose, caribou, etc., to taxidermy shops for their use in making trophy mounts?

**A** Federal subsistence regulations do not allow the sale of wildlife byproducts other than handicrafts. Capes of large game species do not meet the definition of handicraft. Therefore these sales are prohibited under the Federal subsistence regulations. However, such sales are allowed by the State of Alaska for wildlife harvested under State regulations.

**Q** Can I purchase or otherwise obtain raw materials from other hunters, and manufacture large quantities of handicrafts for sale over the Internet or through other commercial outlets?

**A** No. The purpose of the Federal subsistence handicraft regulations are to allow the customary and traditional making and selling of handicrafts from the byproducts of renewable resources harvested for personal or family consumption. Under Federal subsistence regulations the sale of handicrafts may not constitute a significant commercial enterprise.

**Q** Can these regulations be changed?

**A** Yes. If anyone identifies a need to modify or provide for region-specific regulations, these regulations can be revised through the annual regulatory review process.

### For More Information

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For more information on the Federal subsistence program visit: <http://alaska.fws.gov/asm/home.html>